

## **Introduction SB 2278**

Madam Chair and Members of the Senate Judiciary Committee:

Good morning! For the record I am David Rust, Senator from District 2 which encompasses all of Divide and Burke Counties, Williams County with the exception of most of Williston, and parts of Mountrail County, including the city of Stanley.

Allow me to introduce SB 2278. This bill grants limited immunity to school districts, school board members, administrators, teachers, and other school district personnel from any civil liability from students or other individuals being exposed to COVID-19 in a school, school owned vehicle, or sanctioned events.

The immunity does not apply in cases of gross negligence or willful misconduct. The bill also contains an emergency clause.

The knowledge base of the coronavirus has been an evolving subject with government agencies and health organizations reversing their views and recommendations on a frequent basis.

In March, 2020 schools across the nation were closed to in-person instruction and students were forced to obtain their education either on-line or through other means. Much has been debated about the negative effects of that educational approach. There have been outcries from parents, government officials, and psychologists for schools to re-open.

As you know, the results are varied across the nation, states, and localities ranging from delayed openings, to on-line instruction only, to face-to-face in-person instruction, or to hybrids—part on-line, part in-person.

Schools have been apprehensive with regards to in-person instruction keeping the safety of students and staff as their priority. Using the best information at the time, many did make the decision to re-open either full or part time.

School boards and school officials don't know which decision is right. They may never know. This bill seeks to remove those making such a tenuous decision from being in limbo concerning possible litigation.

Numerous times a day we are inundated with ads on radio and TV that go something like this. "Have you been unnecessarily exposed to.." (You can fill in the blank with the name of the product of your choice). "Call this number. You may be entitled to substantial compensation." I believe it's altogether probable similar ads could become a reality for schools with regards to COVID.

School board members and officials should not have the possibility of litigation hanging over their heads for doing what they believe is best for students and staff in a world with few good answers.

This concludes my testimony. I ask for your support of SB 2278 and will try to answer any questions you may have for me.

Madam Chair.